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SUPREME COURT, U.S.

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1979

No. 79-6719

William E. Conrad
2856 Dividend Park Dr.
Florissant, Missouri 60331

Appellant

V.

John Garrett Penn
13823 North Gate Lane
Silver Spring, MD. 20906

Appellee

V.
United States of America

Appellee

Jurisdictional Statement

PETITION FOR DIRECT APPEAL TO THE UNITED STATES SUPREME COURT TO REVIEW THE ORDER IN THIS CASE.

William E. Conrad

William E. Conrad
2856 Dividend Park Dr.
Florissant, Mo. 63031
Pro-se

Copy mailed to; John Garrett Penn, 13823 N.Gate Lane, Silver Spring, MD.
Solicitor General, Dept. of Justice Washington, DC.

June 3, 1980

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CITATIONS

Cases:
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Wallach v Cannon, 357 F.2d 557
Relf v Gash, 511 F.2d 804
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Application of Royal Bank of Canada, 33 FRD 296
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Universal Credit Co. v Antonsen, 374 Ill 194, 29 N.E. 2d 96
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Duke Power v Query, 10 F. Supp. 669 Cert Den., Duke Power Co. v S. Carolina Tax Comm. 56 S.Ct. 834, 298 U.S. 669, 80 L.ed. 1379

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APPENDIX

United States Statutes U.S.C. T-28-1654, 2071, 2072	.....A.1
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79-6719

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IN THE SUPREME COURT OF THE UNITED STATES

AFFIDAVIT OF WILLIAM E. CONRAD

William E. Conrad, being duly sworn, deposes and says:

1. I am a citizen of the United States and Plaintiff in the above entitled action.

2. I desire to prosecute an appeal from the Order of Dismissal by the United States District Court of Washington, D. C. on December 10, 1979 pursuant to T 28 U.S.C. 1915, but because of my imposed poverty I am unable to pay the costs of such appeal or give security therefore and still be able to provide for myself and my dependents with the necessities of life. I have been unemployed to a greater extent than employed for the past 7 years, because of the refusal of the United States Federal Courts I have lost my liberty, my home, my fortune, have no bank balance and in debt in excess of $5,000.00. Because of the United States Federal Courts I am blackballed, not able to keep employment, black listed through credit information check's, nor can I or my family exercise Constitutional Rights to enjoy the fruits of my labor, nor the pursuit of happiness, the social benefits that every citizen is entitled to under law.

3. I am unable to obtain a certified copy of the Records in the Court below without prepayment of fees and costs.

4. I am entitled to access to the Courts of the United States and entitled by the United Constitution of Due Process of Law which includes appellate procedure, to the redress I seek by such an appeal, and that such appeal presents substantial Constitutional questions and federal questions.

Therefore, affiant prays that he may have leave to proceed in this Court on appeal in forma pauperis.

William E. Conrad
William E. Conrad
2356 Dividend Park Dr.
Florissant, Mo. 63031

Subscribed and sworn to before me this 4 day of February 1980.

Notary Public

My Commission Expires May 4 1981 County of St. Louis Missouri

JURISDICTIONAL STATEMENT

The opinion and order of the United States District Court for the District of Columbia appears in Appendix A, 2

This is a suit for damages of Federal Civil Rights, Diversity of Citizenship exists between the parties, in the alternative involving federal officers. United States Constitution Article 1 Section 1, 7,, 8 Cl. 14, 18, Section 9 Cl. 3, U.S.C. T-18-242, U.S.C. T-28-1654, 2071 2072, Amendments 1,5,7,9,10.

The opinion and order of the United States District Court for the District of Columbia was entered on May 1, 1980. Notice of Appeal to the Supreme Court of the United States was filed May 16, 1980 in the same court. The jurisdiction of this court is invoked under Statute at Large, Act of March 3, 1891 C. 517 #5 26 Stat. 827, 828, 28 U.S.C. T-28-1252, Act of June 25, 1948 C.646 #1, #2 62 Stat. 869, 992, Section 39: United States Code Title 28 1976 Edition Page 1, Section 39 Repeals, Rights and Liabilites Saved. U.S.C. T-1-112 mandates admissability in evidence of United States Statutes at Large.

(A 6, 7, 8, 13-16

Lau Ow Bew v United States 12 S.Ct. 517,519.
Shields v colemen, 157 U.S. 168, 176,177.
Chappell v United States, 160 U.S. 499, 508, 509.
United States v Jahn, 155 U.S. 109, 15 S.Ct. 39
Shepard v Adams, 168 U.S., 618, 623, 18 S.Ct. 214
Dee Rees v Costaguta, 254 U.S. 166, 173, 41 S.Ct. 69

This petititoner claims: United States Statutes 1976 ed. Vol. 8 P.247-250, T-28-2071, 2072, Act of Congress June 19, 1934 C. 651 48 Stat 1064 effective September 16, 1938. The Federal Rules of Civil Procedure are in violation of the United States Constitution Article 1 Section 1, 7, 8, Clause 14, 18, Section 9, Clause 3., as is USC T-28-1654.

United States Statute at Large, Act of March 3, 1891 C.517 #5 Stat. 827, 828 is still in effect, Rights and Liabilites were saved by Section 39 of Act of June 25, 1948 C.646 #1#2 62 Stat. 869, 992, Rights and Liabilites were never abrogated, revised nor repealed.

(6, 7, 8, 9, 10, 13-16

U.S.C.A. T-28-1 to 70 p. IX Preface
The Code of the Laws of the United States June 30, 1926.

"No new law is enacted and no law repealed. It is prima facie the law. It is presumed to be the law. The presumption is rebuttable by production of prior unrepealed Acts of Congress at variance with the Code." (A. 9, 10)

1. Whether the Court below failed to consider diversity of citizenship between the parties?

2. Whether the Court below failed to adequately consider in the alternative that the defendant is an officer of the United States?

3. Whether the Court below failed to consider the mandated provisions of the Federal Rules of Civil Procedure, to file complaint forthwith issue summons and deliver it for service to the Marshal to serve it.? (R.

4. Whether the Court below failed to consider the mandated provisions of United States Statute Title 28-1391?

5. Whether the Court below failed to adequately review the constitutional issues raised in the complaint secured by Amendments 1, 5, 7, 9, 10? Vol. 1 P. L - Ll (A.

6. Whether the Court below failed to adequately review the petitioners contention that Federal Rules of Civil Procedure violated the Constitutional provisions Article 1, Section 1, 7, 8, Clause 14, 18, Section 9 Clause 3? (A.

7. Whether the Court below failed to adequately review the sufficiency of the plaintiffs evidence as to an essential element of the offence alleged in the complaint? A..

8. Whether the Court below failed to consider adequately the constitutional issues presented in the complaint?

9. Whether the Court below failed to consider the practical effect of the District Judge and theUnited States of America to secure the rights of the Plaintiff by the United States Constitution Amendments 1, 5, 7, 9, 10. United States Statutes T-18-242, T-28-1331, 1332, 1391, 1654?

10. Whether United States Statute T-28-1654 is applied in contravention to the United States Constitution and in violation of the Constitution, is therefore unconstitutional?

STATEMENT OF THE CASE

William E. Conrad mailed complaint and summons, April 22, 1980 as diversity of jurisdiction, in the alternative, against Officers of the United States charging the defendant John Garrett Penn wuth personal injury and depriva tion and violation of Constitutional Rights of;

1. Right of Access to the courts of the United States, to be parties, to sue, to present evidence.
2. Serve petition and summons on U.S. Marshal's office.
3. Serve petition and summons on United States Attorney.
4. Serve petition and summons on Attorney General of the United States.
5. Serve petition and summons on defendants.
6. Give 3 day notice upon plaontiff before dismissal.

The defendant failed to;

1. Acquire jurisdiction over the subject matter.
2. Acquire jurisdiction over the parties.
3. Acquire jurisdiction to render a judgment.
4. Act with Constitutional Judicial power.
5. Uphold Constitutional Provisions.

Appellant contends United States Statutes U.S.C. T-28-2071, 2072 Act of Congress June 19, 1934 Ch. 651, 48 Stat. 1064, effective September 16, 1938. The Federal Rules of Civil Procedures are administered in violation of the United States Constitution and therefore are unconstitutional.

Appellant's contention is, the court and judges act and action are clear absence of all jurisdiction, over the partics, subject matter and to render an order. The acts and actions without authority is Judicial Attainder.

The plaintiff enclosed as part of petition United States District Court for the District of Columbia court docket which clearly shows Complaint and Summons never served upon marshal and service of Complaint and Summons never made on defendant. (A. 5) (A. 2, 3)

This appeal is a Constitutional Right, it is a privilege mandated by Statute at Large, Act of March 3, 1891 C 517 #5 26 Stat. 827 that requires plenary consideration and briefs on the merits and oral argument for their resolution because the actions of the Federal Court and Federal Judges involve the willfull violation of the judges oath of office; willfull contravention of a statute of his government; where he wrongfully refuses to hear testimony offered by the plaintiff; where the ruling is directly contrary to the law which leads the public to believe that the judge acts against the law and that he considers only his own will; in which the conduct of the judge is to the prejudice of impartial justice. That the act is maladministration of the duty entrusted under the Constitution with the high responsibilities of judicial office. All of the above took place in clear absence of all jurisdiction.

This is a constitutional mandatory appeal that commands plenary consideration of a valid Statute at Large, not in the code, that is constitutionaly exempted from revision, repeal or abrogation by Section 39 of the Act of June 25,1948 c. 646 62 Stat.869,985,991,992. (A.13, 14, 15, 16)
See United States Code 1976 Ed. Vol.1, USC T-109, 110, 111 as Rights and Liabilities saved. (A. 6)

BRIEF

JURISDICTION

The opinion and order of the United States District Court for the District of Columbia appears in Appendix A. 2.

This appeal filed within sixty day time limit. This courts jurisdiction is invoked (1) where the district courts jurisdiction is at issue, (2) involves the construction or application of the Constitution and (3) the constitutionality of a law of the United States is drawn in question. Statutory provision; Statute at Large Act of March 3, 1891 c.517 #5 26 Stat. 826,827,828, USC T 28- 1252. Before March 3, 1891 appeal from a district court to the United States Supreme Court was by direct appeal. Act of March 3, 1891 C 517, 26 Stat 826, 827, 828 was an act to establish circuits of appeals and define and regulate in certain cases the jurisdiction of the courts of the United States, and for other purposes. Section #5 outlined the seperation of Constitutional Vested Rights of direct appeal from the statutory privilege of the Legislature to regulate the statutory jurisdiction of the Supreme Court and the statutory jurisdiction of the newly created circuit courts of appeals. The Federal Legislature has no power to repeal Constitutional Vested Rights, and did not in Act of March 3, 1891 C. 517 26 Stat. 827, 828.

Marbury v. Madison, 1Cranch (5 U.S.) 137, 176-178
Mansour v Rabil, 177 S,E, 2d 849, 277 N.C. 364, 376.

Between 1911 to 1926, Judicial Codes began the revision and codification of the Acts of Congress.

T-28-U.S.C.A. 170 Preface-The Code of the laws of the United States (P. 1X)

"This Code is the official restatement in convienent form of the general and permanent laws of the United States in force December 7, 1925 --." "No new law is enacted and no law repealed." "It is prima facie the law. It is presumed to be the law. The presumption is rebuttable by producetion of prior unrepealed Acts of Congress at variance with the Code." (June 30, 1926) (A. 9,10,13,)

Statute Key 147 28 U.S.C.A. #1, et seq.
No changes of law or policy are to be presumed from changes of language in 1948 revision of judicial code, unless intent to make such change is clearly expressed.
Pourco Glass Co. v Transmirra Products Corp. 77 S.Ct. 787, 792 (1957)
Tidewater Oil Co. v. United States, 93 S.Ct. 408, 415 (1972)

See Act of June 25,1948 C.646 #1,#2, 869,985,991,992 Sections 33,34, 39, USC T-109, 110, 111, 112. (A. 6,13,14,15,16,)

Preface. United States Code 1964 7th Edition

" It contains a consolidation and codification of all general and permanent laws of the United States in force on January 3, 1965."(A. 9,10) Nothing in the revision or codification of the laws of the United States 1911-1915, 1926,1948,1964, to date has repealed the Vested Rights outlined by Statute at Large Act of March 3, 1891 c. 517 #5 26 Stat. 826.827,828, is hemby entered into evidence under USC T-1-112 (A. 6) and enclosed. (A. 7,8,13)

Statutes and Constitutional Provisions Involved

United States Constitution Article 1 Section 1, 7, 8, Clause 14, 18, Section 9 Clause 3.	USC Vol.1 P. XLV-XLVII
Amendments 1,5,7,9,10	USC Vol.1 P. L-LI
USC T 18 242	USC Vol.4 P. 1044
USC T 28 1654	USC Vol.8 P. 211-212
USC T 28 1331,1332	USC Vol. 8 P. 164-167
USC T 28 1391	USC Vol. 8 P. 178-179
USC T 28 2071,2072	USC Vol. 8 P. 247-250

Act of Congress June 19,1934 c.651 48 Stat. 1064, effective September 16, 1938 (A. /)

QUESTIONS PRESENTED

1. Whether the Court below failed to consider diversity of citizenship between the parties?

2. Whether the Court below failed to adequately consider in the alternative that the defendant is an officer of the United States?

3. Whether the Court below failed to consider the mandated provisions of the Federal Rules of Civil Procedure, to file complaint forthwith issue summons and deliver it for service to the Marshal to serve it? (R.

4. Whether the Court below failed to consider the mandated provisions of United States Statute Title 28-1391?

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9. Whether the Court below failed to consider the practical effect of the District Judge and theUnited States of America to secure the rights of the Plaintiff by the United States Constitution Anendments 1, 5, 7, 9, 10. United States Statutes T-18-242, T-28-1331, 1332, 1391, 1654?

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The plaintiff enclosed as part of petition United States District Court for the District of Columbia court docket which clearly shows Complaint and Summons never served upon marshal and service of Complaint and Summons never made on defendant. (A.5) (A.2,3,)

ARGUMENT

The unauthorized and void order of Judge Aubrey Robinson's opinion cited from Stump v. Sparkman (A.2.) taken out of context, changed the ruling and interpretation, omitting the exceptions expressed in the law of the case. "Upon consideration of the fact that judges are immune from civil liability while performing their judicial duties, Stump v. Sparkman, 98 S. Ct. 1099 (1978); it is by the court this 1st day of May, 1980, ordered that this action is dismissed with prejudice for failure to state a claim upon which relief can be granted." (A.2) Judge Robinson failed to take into consideration " the necessary inquiry in determining whether a judge of such court is immune from suit is whether at the time he took the challanged action he had jurisdiction over the subject matter before him.---But will be subject to liability only when he has acted in clear absence of all jurisdict- jurisdiction." Stump v. Sparkman, supra. The district courts docket and record does not support the judges presumption. (A.5)

Petition mailed April 22, 1980 under USC T 28 1331, 1332, 1391 citing John Garrett Penn as a person in a diversity of citizenship complaint, in the alternative as an officer of the United States.

Federal Civil Procedure Key 4
Suit in federal district court based on diversity of citizenship is deemed commenced on date of service upon defendant.
Gorman v. Transcon Air Line, 158 F. Supp. 339

The complaint and summons were never delivered to the U.S. Marshal for service on defendant, United States Attorney, Attorney General of the United States, complaint dismissed May 1, 1980. If the judge considered the defendant was a United States Officer;

Provision of this rule dealing with service of summons and complaint on officer or agent of the United States is mandatory.
Wallach v Cannon, 1966, 357 F.2d 557
Messinger v United States, 231 F.2d 328
Relf v Gash 1975, 511 F.2d 804
Application of Royal Bank of Canada, 1963, 33 F.R.D. 296

It is noted some rules are discretionary and some rules mandatory. Where a federal district court rule is of mandatory charater, a single judge has no discretion to dispense with it.
In Re C. W. Giannini Inc., 90 F.2d 445, 447

It is held: Judgment that is entered prior to time when defendant was validly served with process is void, unless defendant has entered his appearance.
Thorne v. Commonwealth of Pennsylvania, 1977, 77 F.R.D. 396

No rule of court, even so intended can restrict jurisdiction.
U.S. v Nat. City Bank of New York, 83 F.2d 236

This appellant has claimed Federal Rules of Civil Procedure are in violation of United States Constitution as administered.

Wayman v. Southard, 10 Wheat (23 U.S.) 1, 13, 14, 15, 42, 43

Courts Key 80-1
A court rule which denies litigents a constitutional right must be declared void.
Diversey Liquidating Co. v Neunkuchen, 370 ILL 523, 19 N.E. 2d 363.

Until an action has been commenced in Federal District Court, it has no jurisdiction to act.
Re Market Basket Inc. 122 F. Supp. 321

The courts of the United States have no power to create a remedy.

Courts Key 80-1
A courts power to prescribe rules of practice does not extend to the creation of a remedy in addition to that prescribed by the legislative.
Universal Credit Co. v Antonsen, 374 ILL 194, 29 N.E. 2d 96.

United States Statute T-28-2072 prohibits a rule to restrict jurisdiction, prohibits a rule to abrogate a statute or constitutional right. The dismissal of the complaint was unauthorized and in violation of due Process of Law.

Civil Right Key 13.3 (2)
Because the right to procedural due process is "absolute" in the sense that it does not depend upon the merits of a claimant's substantive assertions, and because of the importance to organized society that procedural due process be observed, we believe that the denial of procedural due process should be action for nominal damages without proof of actual injury.
Carey v Piphus, 98 S.Ct. 1042, 1054.

According to the judge's opinion citing Stump v Sparkman as the only defect in the complaint, and this appeal has cited rebuttal. The issue turns on the other claims for relief stated in the petition.

Federal Civil Procedure Key 2470
"Presence of one genuine issue of material fact in a case is sifficient to prevent summary judgment on all issues."
Albert v Brownell, 219 F.2d. 602

The Federal Rules of Civil Procedure are uncontitutional as administered in the federal courts because:

"Since 1792 the federal courts have emphasized finality of judgment as an essential attribute of judicial power --- the subjection of a courts opinion to revision or control by an officer of the executive or the legislature was not authorized by the constitution."
Hayburn's Case, 2 Dallas 409, 410
C & S Air Lines v Waterman, 33 U.S. 103, 113.

Congress has power to prescribe rules of Procedure for Federal Courts.
Palermo v U.S. 79 S.Ct. 1217, 360 U.S. 343.

The United States Constitution does not authorize Constitutional Courts to render judgments not binding and conclusive on the parties. "The power to promulgate rules of civil procedure was conferred by the Act of June 19, 1934, 48 Stat 1064, now 28 U.S.C. 2072. Congress provided

for submission of the Rules to it with the power presumably to change or to veto the Rules. Addititonally, Congress has occasionally legislated rules itself. E.g. 82 Stat 197 1968, 18 U.S.C. #3501-2. "United States Constitution Annylses and Interpretation. P.66.

In dissent. "Plainly the Rules are not Acts of Congress and cannot be treated as such." Sibbach v Wilson & Co. 312 U.S. 1, 18..

Since the District Courts are using the Federal Rules of Civil Procedure as jurisdictional authority and issuing orders to the merits of an action. Then the orders and the rules are presumed judicial powers; which violate the Constitution of the United States as impediments, preconditions, restrictions to "due process of law". U.S.C. T-28-1654 is ignored by the Federal Courts or an inpediment, "as by the Rules of such courts, respectively are permitted to manage and conduct causes therein"! are a precondition, restrictions in violation of Constitutional Amendment 1.

Statute may not abrogate a vested right.
Coleman v Coleman, 20o N.E. 197 51 Ohio App. 221
Marlas v Virekeos,, 142 N.E. 2d 808.

Statute which attempts by some provision to destroy both a right and a remedy succeeds in destroying neither.
Duke Power Co. v S. Carolina Tax Comm. 81 F.2d. 513 affirming DC. Duke Power v Query, 10 F. Supp. 669 Cert den., Duke Power Co v S. Carolina Tax Comm. 56 S.Ct. 834, 298 U.S. 669, 80 L.ed. 1379.

U.S.C. T-28-1654 is in violation of the United States Constitution, therefore unconstitutional.

CONCLUSION

This appellant for the reasons stated this court must acqure jurisdiction, hold consideration of the substantial federal and constitutional questions with briefs on the merits and oral argument for their resolution. The court must bring up all issues for consideration and determination as provided for under Statutes at Large (Not in the Code) March 3, 1891 Ch. 517 #5 26 Stat 827, 828 28 U.S.C. T-28-1252. (A. 7,8)

Fourco Glass Co. v Transmirra Product Corp.. (Supra)
Tidewater Oil Co. v United States, (Supra)

I am entitled to the damages stated in the complaint. This court has jurisdiction to resolve all issues presented in the complaint. This Court is mandated by Statute at Large March 3, 1891 C. 517 #26 Stat.827, 828 to bring up all of the issues for resolution.

APPENDIX

UNITED STATES STATUTES AT LARGE VOLUME 68 PART 1 PUBLIC LAWS

Page 1064 75d Congress Sess. 11. Chs. 651, 652. June 19, 1934

Chapter 651

AN ACT

To give the Supreme Courts of the United States authority to make and publish rules in actions at law.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Supreme Court of the United States ... shall have the power to prescribe, by general rules, for the district courts of the United States and for the courts of the District of Columbia, the forms of process, writs, pleadings, and motions, and the practice and procedure in civil actions at law. Said rules shall neither abridge, enlarge, nor modify the substantive rights of any litigant. They shall take effect six months after their promulgation, and thereafter all laws in conflict therewith shall be of no further force or effect.

Sec. 2. The court may at any time unite the general rules prescribed by it for cases in equity with those in actions at law so as to secure one form of civil action and procedure for both: Provided, however, That in such union of rules the right of trial by jury as at common law and declared by the seventh amendment to the Constitution shall be preserved to the parties inviolate. Such united rules shall not take effect until they shall have been reported to Congress by the Attorney General at the beginning of a regular session thereof and until after the close of such session.

Approved, June 19, 1934.

1970 Edition. UNITED STATES CODE Title 28

"2071 Page 247-249.
The Supreme Court and all courts established by Act of Congress may from time to time prescribe rules for the conduct of their business. Such rules shall be consistent with Acts of Congress and rules of practice and procedure prescribed by the Supreme Court.

"2072 Page 249-250.
The Supreme Court shall have the power to prescribe by general rules, the forms of process, writs, pleadings, and motions, and the practice and procedure of the district courts and courts of appeals of the United States in civil actions, including admiralty and maritime cases, and appeals therein, and the practice and procedure in proceedings for the review by the courts of appeals of decisions of the Tax Court of the United States and for the judicial review or enforcement of orders of administrative agencies, boards, commissions, and officers.
Such rules shall not abridge, enlarge or modify any substantive right and shall preserve the right of trial by jury as at common law and as declared by the Seventh Amendment to the Constitution.
Such rules shall not take effect until they have been reported to Congress by the Chief Justice at or after the beginning of a regular session thereof but not later than the first day of May, and until the expiration of ninety days after they have been thus reported.
All laws in conflict with such rules shall be of no further force or effect after such rules have taken effect. Nothing in this title, nothing therein to the contrary notwithstanding, shall in any way limit, supersede, or repeal any such rules heretofore prescribed by the Supreme Court.

"1654 page 211-212
In all courts of the United States the parties may plead and conduct their own cases personally or by counsel as, by the rules of such courts, respectively, are permitted to manage and conduct causes therein

A. 1

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

WILLIAM E. CONRAD,	:	
Plaintiff	:	
v.	:	CIVIL ACTION NO. 80-1087
JOHN GARRETT PENN, ET AL.,	:	
Defendants	:	

FILED

MAY 1 1980

JAMES F. DAVEY, CLERK

ORDER

Upon consideration of the fact that judges are immune from civil liability while performing their judicial duties, Stump v. Sparkman, 98 S.Ct. 1099 (1978); it is by the Court this 1st day of May, 1980,

ORDERED that this action is dismissed with prejudice for failure to state a claim upon which relief can be granted.

Aubrey E. Robinson, Jr.
United States District Judge

DC 111A
Rev. 1/78

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF	DEFENDANT	DOCKET NO. 79-324
WILLIAM E. CONRAD	HAROLD H. GREENE, et al.	Preceding PAGE ___ OF ___ PAGES

DATE	NR.	PROCEEDINGS

PARTIES

WILLIAM E. CONRAD

vs.

1. HAROLD H. GREENE, U.S. District Judge, U.S. Courthouse, District of Columbia

2. BRYON R. WHITE, U.S. Supreme Court Judge

3. WILLIAM J. BRENNON, JR., U.S. Supreme Court Judge

4. POTTER STEWART, U.S. Supreme Court Judge

5. THURGOOD MARSHALL, U.S. Supreme Court Judge

6. HARRY A. BLACKMUN, U.S. Supreme Court Judge

7. LEWIS F. POWELL, JR., U.S. Supreme Court Judge

8. JOHN PAUL STEVENS, U.S. Supreme Court Judge

9. WILLIAM M. REHNQUIST, U.S. Supreme Court Judge

10. WARREN E. BURGER, U.S. Supreme Court Judge

11. MICHAEL RODAK, JR., Clerk of the Supreme Court

COUNSEL

P.P.
2856 Dividend Park Drive
Florissant, Missouri 63031

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0090	1	79	3248	12	03	79	2	440	1			3,000,000	9055	P	79	3248

PLAINTIFFS		DEFENDANTS
WILLIAM E. CONRAD	PENN, J.	HAROLD H. GREENE, et al.

(SEE PRECEDING PAGE FOR COMPLETE CAPTION)

CAUSE

28 USC 1346
Denial of access to the Courts of the United States.

ATTORNEYS

P.P.
2856 Dividend Park Drive
Florissant, Missouri 63031

DATE	NR.	PROCEEDINGS
1979 Dec.	3	COMPLAINT; jury demand.
Dec.	13	ORDER filed 12-11-79 dismissing complaint. (N) Penn, J
1980 Jan.	7	NOTICE of appeal by pltf. to the Supreme Court from order of 12-13-79.

0090	1	80	1087	05	01	80	2	360	1					9045	P

PLAINTIFFS

WILLIAM E. CONRAD

DEFENDANTS

ROBINSON, J.

1. JOHN GARRETT PENN

2. UNITED STATES OF A

CAUSE

U.S. Constitutional Amendment 1,5,7,9,10, USC 18-242-Disenfranchisement Constitutional Rights; infliction of judicial attainer.

ATTORNEYS

William E. Conrad
2856 Dividend Park Dr.
Florissant, Mo. 63031

CHECK HERE IF CASE WAS FILED IN FORMA PAUPERIS	FILING FEES PAID			STATE
	DATE	RECEIPT NUMBER	C.D. NUMBER	CARD
				JS 5
				JS 6

UNITED STATES DISTRICT COURT DOCKET

A 5

DATE	NR.	PROCEEDINGS
1980		
May 01	1	COMPLAINT
May 01		SUMMONS(0) and copies(0) of the summons & complaint issued.
May 5	2	ORDER filed 5-1-80 dismissing action with prejudice. (N) Robinson, J.
May 16	3	NOTICE OF APPEAL to the Supreme Court by pltf.
May 16	4	BILL OF EXCEPTIONS of pltf.

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Vol 1 United States Code 1976 Ed.

§ 106b. Amendments to Constitution

Whenever official notice is received at the General Services Administration that any amendment proposed to the Constitution of the United States has been adopted, according to the provisions of the Constitution, the Administrator of General Services shall forthwith cause the amendment to be published, with his certificate, specifying the States by which the same may have been adopted, and that the same has become valid, to all intents and purposes, as a part of the Constitution of the United States.

(Added Oct. 31, 1951, ch. 655, § 2(b), 65 Stat. 710.)

SIMILAR PROVISIONS; REPEAL; SAVING CLAUSE; DELEGATION OF FUNCTIONS; TRANSFER OF PROPERTY AND PERSONNEL

Similar provisions were contained in R.S. § 205; 1950 Reorg. Plan No. 20, § 1, eff. May 24, 1950, 15 F.R. 3178, 64 Stat. 1272. R.S. § 205 was repealed by section 56(h) of act Oct. 31, 1951. Subsec. (*l*) of section 56 provided that the repeal should not affect any rights or liabilities existing under the repealed statute on the effective date of the repeal (Oct. 31, 1951). For delegation of functions under the repealed statute, and transfer of records, property, personnel, and funds, see sections 3 and 4 of 1950 Reorg. Plan No. 20, set out in the Appendix to Title 5, Government Organization and Employees.

CROSS REFERENCES

Publication of certificate in United States Statutes at Large, see section 112 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 112 of this title.

§ 107. Parchment or paper for printing enrolled bills or resolutions

Enrolled bills and resolutions of either House of Congress shall be printed on parchment or paper of suitable quality as shall be determined by the Joint Committee on Printing.

(July 30, 1947, ch. 388, 61 Stat. 635.)

§ 108. Repeal of repealing act

Whenever an Act is repealed, which repealed a former Act, such former Act shall not thereby be revived, unless it shall be expressly so provided.

(July 30, 1947, ch. 388, 61 Stat. 635.)

§ 109. Repeal of statutes as affecting existing liabilities

The repeal of any statute shall not have the effect to release or extinguish any penalty, forfeiture, or liability incurred under such statute, unless the repealing Act shall so expressly provide, and such statute shall be treated as still remaining in force for the purpose of sustaining any proper action or prosecution for the enforcement of such penalty, forfeiture, or liability. The expiration of a temporary statute shall not have the effect to release or extinguish any penalty, forfeiture, or liability incurred under such statute, unless the temporary statute shall so expressly provide, and such statute shall be treated as still remaining in force for the purpose of sustaining any proper action or prosecution for the enforcement of such penalty, forfeiture, or liability.

(July 30, 1947, ch. 388, 61 Stat. 635.)

§ 110. Saving clause of Revised Statutes

All acts of limitation, whether applicable to civil causes and proceedings, or to the prosecution of offenses, or for the recovery of penalties or forfeitures, embraced in the Revised Statutes and covered by the repeal contained therein, shall not be affected thereby, but all suits, proceedings, or prosecutions, whether civil or criminal, for causes arising, or acts done or committed prior to said repeal, may be commenced and prosecuted within the same time as if said repeal had not been made.

(July 30, 1947, ch. 388, 61 Stat. 635.)

§ 111. Repeals as evidence of prior effectiveness

No inference shall be raised by the enactment of the Act of March 3, 1933 (ch. 202, 47 Stat. 1431), that the sections of the Revised Statutes repealed by such Act were in force or effect at the time of such enactment: *Provided, however,* That any rights or liabilities existing under such repealed sections shall not be affected by their repeal.

(July 30, 1947, ch. 388, 61 Stat. 635.)

REFERENCES IN TEXT

Act of March 3, 1933 (ch. 202, 47 Stat. 1431), referred to in text, sections 2 and 3 of which were formerly set out as sections 60 and 29b of this title, respectively, was repealed by section 2 of act July 30, 1947.

§ 112. Statutes at Large; contents; admissibility in evidence

The Administrator of General Services shall cause to be compiled, edited, indexed, and published, the United States Statutes at Large, which shall contain all the laws and concurrent resolutions enacted during each regular session of Congress; all proclamations by the President in the numbered series issued since the date of the adjournment of the regular session of Congress next preceding; and also any amendments to the Constitution of the United States proposed or ratified pursuant to article V thereof since that date, together with the certificate of the Administrator of General Services issued in compliance with the provision contained in section 106b of this title. In the event of an extra session of Congress, the Administrator of General Services shall cause all the laws and concurrent resolutions enacted during said extra session to be consolidated with, and published as part of, the contents of the volume for the next regular session. The United States Statutes at Large shall be legal evidence of laws, concurrent resolutions, treaties, international agreements other than treaties, proclamations by the President, and proposed or ratified amendments to the Constitution of the United States therein contained, in all the courts of the United States, the several States, and the Territories and insular possessions of the United States.

(July 30, 1947, ch. 388, 61 Stat. 636; Sept. 23, 1950, ch. 1001, § 1, 64 Stat. 979; Oct. 31, 1951, ch. 655, § 3, 65 Stat. 710.)

lars a year, to be paid in equal proportions quarterly. The costs and fees in the Supreme Court now provided for by law shall be costs and fees in the circuit courts of appeals; and the same shall be expended, accounted for, and paid for, and paid over to the Treasury Department of the United States in the same manner as is provided in respect of the costs and fees in the Supreme Court. Costs, etc.

The court shall have power to establish all rules and regulations for the conduct of the business of the court within its jurisdiction as conferred by law. Rules, etc.

SEC. 3. That the Chief-Justice and the associate justices of the Supreme Court assigned to each circuit, and the circuit judges within each circuit, and the several district judges within each circuit, shall be competent to sit as judges of the circuit court of appeals within their respective circuits in the manner hereinafter provided. In case the Chief-Justice or an associate justice of the Supreme Court should attend at any session of the circuit court of appeals he shall preside, and the circuit judges in attendance upon the court in the absence of the Chief-Justice or associate justice of the Supreme Court shall preside in the order of the seniority of their respective commissions. Constitution of court. Precedence.

In case the full court at any time shall not be made up by the attendance of the Chief-Justice or an associate justice of the Supreme Court and circuit judges, one or more district judges within the circuit shall be competent to sit in the court according to such order or provision among the district judges as either by general or particular assignment shall be designated by the court: *Provided*, That no justice or judge before whom a cause or question may have been tried or heard in a district court, or existing circuit court, shall sit on the trial or hearing of such cause or question in the circuit court of appeals. A term shall be held annually by the circuit court of appeals in the several judicial circuits at the following places: In the first circuit, in the city of Boston; in the second circuit, in the city of New York; in the third circuit, in the city of Philadelphia; in the fourth circuit, in the city of Richmond; in the fifth circuit, in the city of New Orleans; in the sixth circuit, in the city of Cincinnati; in the seventh circuit, in the city of Chicago; in the eighth circuit, in the city of Saint Louis; in the ninth circuit, in the city of San Francisco; and in such other places in each of the above circuits as said court may from time to time designate. The first terms of said courts shall be held on the second Monday in January, eighteen hundred and ninety-one, and thereafter at such times as may be fixed by said courts. Service of district judges. Proviso. No judge to sit on appeal from his court. Terms. Regular. Additional. First terms. Post, p. 1118.

SEC. 4. That no appeal, whether by writ of error or otherwise, shall hereafter be taken or allowed from any district court to the existing circuit courts, and no appellate jurisdiction shall hereafter be exercised or allowed by said existing circuit courts; but all appeals by writ of error otherwise, from said district courts shall only be subject to review in the Supreme Court of the United States or in the circuit court of appeals hereby established, as is hereinafter provided, and the review, by appeal, by writ of error, or otherwise, from the existing circuit courts shall be had only in the Supreme Court of the United States or in the circuit courts of appeals hereby established according to the provisions of this act regulating the same. No appeal allowed from district to circuit courts. Appeals, etc., from circuit court.

SEC. 5. That appeals or writs of error may be taken from the district courts or from the existing circuit courts direct to the Supreme Court in the following cases: Appeals allowed direct to Supreme Court.

In any case in which the jurisdiction of the court is in issue; in such cases the question of jurisdiction alone shall be certified to the Supreme Court from the court below for decision. Jurisdiction questions.

From the final sentences and decrees in prize causes. Prizes.

In cases of conviction of a capital or otherwise infamous crime. Capital crimes.

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Constitutional questions.

In any case that involves the construction or application of the Constitution of the United States.

Construction of law, treaty, etc.

In any case in which the constitutionality of any law of the United States, or the validity or construction of any treaty made under its authority, is drawn in question.

Conflict of laws.

In any case in which the constitution or law of a State is claimed to be in contravention of the Constitution of the United States.

Appeals from highest State court.

Nothing in this act shall affect the jurisdiction of the Supreme Court in cases appealed from the highest court of a State, nor the construction of the statute providing for review of such cases.

Jurisdiction of court of appeals.

SEC. 6. That the circuit courts of appeals established by this act shall exercise appellate jurisdiction to review by appeal or by writ of error final decision in the district court and the existing circuit courts in all cases other than those provided for in the preceding section of this act, unless otherwise provided by law, and the judgments or decrees of the circuit courts of appeals shall be final in all cases in which the jurisdiction is dependent entirely upon the opposite parties to the suit or controversy, being aliens and citizens of the United States or citizens of different States; also in all cases arising under the patent laws, under the revenue laws, and under the criminal laws and in admiralty cases, excepting that in every such subject within its appellate jurisdiction the circuit court of appeals at any time may certify to the Supreme Court of the United States any questions or propositions of law concerning which it desires the instruction of that court for its proper decision. And thereupon the Supreme Court may either give its instruction on the questions and propositions certified to it, which shall be binding upon the circuit courts of appeals in such case, or it may require that the whole record and cause may be sent up to it for its consideration, and thereupon shall decide the whole matter in controversy in the same manner as if it had been brought there for review by writ of error or appeal.

Judgments final.

Certificate for instruction.

Proceedings in Supreme Court.

Certiorari to Supreme Court.

And excepting also that in any such case as is hereinbefore made final in the circuit court of appeals it shall be competent for the Supreme Court to require, by certiorari or otherwise, any such case to be certified to the Supreme Court for its review and determination with the same power and authority in the case as if it had been carried by appeal or writ of error to the Supreme Court.

Appeals and writs of error.

In all cases not hereinbefore, in this section, made final there shall be of right an appeal or writ of error or review of the case by the Supreme Court of the United States where the matter in controversy shall exceed one thousand dollars besides costs. But no such appeal shall be taken or writ of error sued out unless within one year after the entry of the order, judgment, or decree sought to be reviewed.

Limitation.

Appeal in equity causes.

SEC. 7. That where, upon a hearing in equity in a district court, or in an existing circuit court, an injunction shall be granted or continued by an interlocutory order or decree, in a cause in which an appeal from a final decree may be taken under the provisions of this act to the circuit court of appeals, an appeal may be taken from such interlocutory order or decree granting or continuing such injunction to the circuit court of appeals: *Provided*, That the appeal must be taken within thirty days from the entry of such order or decree, and it shall take precedence in the appellate court; and the proceedings in other respects in the court below shall not be stayed unless otherwise ordered by that court during the pendency of such appeal.

Proviso.

To be taken in 30 days.

Expenses of attending judges.

SEC. 8. That any justice or judge, who, in pursuance of the provisions of this act, shall attend the circuit court of appeals held at any place other than where he resides shall, upon his written certificate, be paid by the marshal of the district in which the court shall be held his reasonable expenses for travel and attendance, not

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PREFACE

UNITED STATES CODE 1964 EDITION

This seventh edition of the United States Code was prepared and published pursuant to section 202(c) of Title 1 of the Code. It contains a consolidation and codification of all the general and permanent laws of the United States in force on January 3, 1965. By statutory authority this edition may be cited "U.S.C. 1964 ed." Previous editions were published in 1926, 1934, 1940, 1946, 1952, and 1958.

Inasmuch as many of the general and permanent laws which are required to be incorporated in this Code are inconsistent, redundant, and obsolete, the Committee on the Judiciary is engaged in a comprehensive project of revising and enacting the Code into law, title by title. In furtherance of this plan bills have been enacted to revise, codify and enact into law Titles 1, 3, 4, 6, 9, 10, 13, 14, 17, 18, 23, 28, 32, 35, 37, 38, and 39. In addition, bills relating to other titles are also being prepared for introduction at an early date. When this work is completed all the titles of the Code will be legal evidence of the general and permanent law and recourse to the numerous volumes of the Statutes at Large for this purpose will be unnecessary.

The title and chapter structure of the 1958 edition, together with Supplement V thereto, has been substantially preserved, the only changes made having been necessitated by the enactment of legislation since 1958.

The actual work of preparing and editing the material for this edition was done by the West Publishing Co. of St. Paul, Minnesota, and the Edward Thompson Company of Brooklyn, New York, under the supervision of the Committee on the Judiciary of the House of Representatives. These companies prepared the original Code which Congress enacted in 1926 and have continuously served the Committee since that time in the preparation of the authorized new editions and Supplements to the Code. Grateful acknowledgment is made to the editorial and manuscript staffs of both publishing companies and of Dr. Charles J. Zinn, the law revision counsel for the Committee, for their untiring efforts to make this edition as nearly perfect as possible. Acknowledgment of valuable assistance is made also to various officers of Government departments and agencies and the Government Printing Office for their helpful suggestions and criticisms.

The Committee on the Judiciary invites criticisms or suggestions with the view of improving the Code wherever possible. It is hoped that the program of enacting the Code into law, title by title, to improve its present status as merely prima facie evidence of the law, will meet with early success.

EMANUEL CELLER
Chairman,
Committee on the Judiciary.

E. E. WILLIS
Chairman, Subcommittee No. 3.

WASHINGTON, D. C., *January 3, 1965.*

THE CODE OF THE LAWS OF THE UNITED STATES

This Code is the official restatement in convenient form of the general and permanent laws of the United States in force December 7, 1925, now scattered in 25 volumes—i. e., the Revised Statutes of 1878, and volumes 20 to 43, inclusive, of the Statutes at Large. No new law is enacted and no law repealed. It is prima facie the law. It is presumed to be the law. The presumption is rebuttable by production of prior unrepealed Acts of Congress at variance with the Code. Because of such possibility of error in the Code and of appeal to the Revised Statutes and Statutes at Large, a table of statutes repealed prior to December 7, 1925, is published herein together with the Articles of Confederation; the Declaration of Independence; Ordinance of 1787; the Constitution with amendments and index; tables of cross-references to the Revised Statutes, the Statutes at Large, the United States Compiled Statutes, Annotated, of the West Publishing Co., and the Federal Statutes, Annotated, of the Edward Thompson Co.; an appendix with the general and permanent laws of the first session of the Sixty-ninth Congress; and finally an exhaustive index of the laws in the Code and appendix.

The first official codification of the general and permanent laws of the United States was made in 1874 and followed by a perfected edition in 1878. From 1897 to 1907 a commission was engaged in an effort to codify the great mass of accumulating legislation. The work of the commission involved an expenditure of over $300,000, but was never carried to completion. More recently the task of codification was undertaken by the late Hon. Edward C. Little as chairman of the Committee on the Revision of the Laws of the House of Representatives, who labored indefatigably from 1919 to the day of his death, June 24, 1924. The volumes which represented the result of his labors were embodied in bills which passed the House of Representatives in three successive Congresses unanimously but failed of action in the Senate.

The Code now set forth has resulted from the hearty cooperation of the Committee of the House of Representatives on the Revision of the Laws, and the Select Committee of the United States Senate consisting of Richard P. Ernst, chairman, George Wharton Pepper, and William Cabell Bruce. Under the auspices of the committees of the House and the Senate the actual work of assembling and classifying the mass of material has been done by the West Publishing Co. and the Edward Thompson Co. These two houses have subordinated their private interests to the public good and have produced a result which would have been impossible without them. Acknowledgment of valuable assistance is given to W. H. McClenon, of the Legislative Reference Division of the Library of Congress, and to the law officers and other representatives of the several departments, bureaus, and commissions of the Government. Appreciation is also expressed of the interest in the work taken by the Committee on the Revision of the Federal Statutes of the American Bar Association.

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Scrutiny of this Code is invited. Constructive criticism is solicited. It is the ambition of the Committee on the Revision of the Laws of the House of Representatives gradually to perfect the Code by correcting errors, eliminating obsolete matter, and restating the law with logical completeness and with precision, brevity, and uniformity of expression.

Address criticisms to Chairman of the Committee on the Revision of the Laws of the House of Representatives, Washington, D. C.

Roy O. Fitzgerald, Chairman.

Washington, June 30, 1926

FOREWORD

The publishers of this annotated edition of the Code of the Laws of the United States are rendering a notable service to the public in general and to the legal profession in particular.

Cooperation between the publishers and the Committees of the Senate and House on Revision of the Laws made possible the preparation of the Code adopted by the Sixty-ninth Congress. The Code thus adopted is evidence of the law. After the correction of errors, inevitable in a work of this sort, the Code will no doubt be enacted into law and all the other legislation of Congress will be repealed. Meanwhile it is of the highest importance to bring together for ready reference all the legislation embodied in the Code and the mass of judicial decisions which have construed the legislation. This can best be done by distributing the Code through a series of volumes of convenient size, each volume containing a designated portion of the legislative text together with annotations of relevant judicial decisions. This task of division and addition has now been completed in a satisfactory way. The volume embodying legislation on a given subject can readily be taken from the library shelf or from the book-rack beside the desk and carried to court or wherever it is intended to be consulted. Mahomet need no longer seek the mountain. The mountain has distributed itself into foothills and all of them have come to him.

As a member of the Senate Committee on the Revision of Laws I have had something to do with the evolution of the Code. Members of the two Committees can appreciate, as few others can do, the magnitude of the problem of which the Code is a solution. While the annotations and other auxiliary matter account for the number of volumes in the present edition, it is well to remember that the Code itself, as issued from the Government Printing Office, is included within the limits of a single volume. That all the permanent and general legislation of a century and a half can be thus compressed is a fact to be borne in mind whenever it is charged that there has been an unreasonable multiplication of federal statutes. In spite of the popular impression to the contrary, I believe that a critical study of this body of law will disclose the Congress of the United States as the most conservative of the important legislatures of the world. I further believe that no set of volumes in the law library will be found more serviceable than those now made available for general use.

George Wharton Pepper.

Washington, D. C.,
December 16, 1926

IN THE UNITED STATES DISTRICT COURT FOR

THE DISTRICT OF COLUMBIA

FILED

MAY 16 1980

JAMES F. DAVEY, Clerk

WILLIAM E. CONRAD,

PLAINTIFF

VS.

JOHN GARRETT PENN, ET AL.,

DEFENDANTS

Civil Action No. 80-1007

NOTICE OF APPEAL TO THE SUPREME COURT OF THE UNITED STATES

Notice is hereby given that William E. Conrad the Plaintiff named, hereby Appeals to the Supreme Court of the United States from the Final Order dismissing the Complaint "Upon consideration of the fact that judges are immune from civil liability while performing their judicial duties, Stump v Sparkman, 98 S.Ct. 1099 (1978); it is by the Court this 1st day of May, 1980.

ORDERED that this action is dismissed with prejudice for failure to state a claim upon which relief can be granted."

Aubrey E. Robinson, Jr.
United States District Judge

entered in this action on May 1, 1980.

This appeal is taken pursuant to Statute at Large of March 3, 1891 C. 517 #5 26 Stat 827, Act of August 24, 1937 C. 754 2, 5, Stat. 752, 755, 28 U.S.C. T-28-1252.

William E. Conrad
2056 Dividend Park Dr.
Florissant, Mo. 63031

I have this day May 13, 1980 mailed copy of the within Notice of Appeal to each defendant at the address stated.

John Garrett Penn
15823 North Gate Lane
Silver Spring, Md. 20906

United States of America
Solicitor General
Department of Justice
Washington, D. C. 20530

All

IN THE UNITED STATES DISTRICT COURT FOR

THE DISTRICT OF COLUMBIA

William E. Conrad)
vs) CA-80-1037
John Garrett Penn, et al)

FILED
MAY 16 1980
JAMES F. DAVEY, Clerk

BILL OF EXCEPTIONS

Notice is hereby given that William E. Conrad the Plaintiff named, files a bill of exceptions from the unauthorized Final, Order dismissing the Complaint in Civil Action No. 80-1037 entered on this action on May 1, 1980.

(1) Judge Aubrey E. Robinson, Jr. is acting in clear absence of all Jurisdiction.

(a) U.S.C. Title 28-1391 mandates Rule 3,4, of the Federal Rules of Civil Procedure be followed, that complaint and summons be issued upon officers of the United States before the Court or the Judge acquires jurisdiction over the parties, subject matter or to render a decision.(Messinger v. United States, 231 F.2d 328)

(b) When the Complaint has diversity of citizenship, jurisdiction is not acquired until complaint and summons is delivered to the defendants and Marshal's return is filed and entered on the docket; only then does the Court or Judge acquire jurisdiction over the parties, subject matter or to render a decision.

(Gorman v. Transcon Air Lines 158 F. Supp. 339)

(c)Judge Robinson has acted in contravention to USC.T-28-1391; and U.S.C. T 28- 2072 mandates all actions and decisions void that exceed the staturory requirements, and prohibitions, including the Rules cannot abrogate the Right of Civil Trial, Amendment 7.

(D) The citation Stump v. Sparkman, 98 S. Ct. 1099 (1978) is taken out of Context of the decision entered; "--the necessary inquiry in determing whether a judge of such court is immune from suit is whether at the time he took the challanged action he had jurisdiction over the subject matter before him.--But will be subject to liability only when he has acted in clear absence of all jurisdiction."

(e) Judge Robinson has rendered a decision on the merits without supporting evidence and has refused to hear testimony and presentment of evidence by the Plaintiff.

May 13, 1980

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TITLE 28—JUDICIARY AND JUDICIAL PROCEDURE

This title was enacted by act June 25, 1948, ch. 646, § 1, 62 Stat. 869.

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III.	Court Officers and Employees	601
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V.	Procedure	1651
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ENACTMENT INTO LAW; CITATION

Section 1 of act June 25, 1948, ch. 646, 62 Stat. 869, provided in part: "That title 28 of the United States Code, entitled 'Judicial Code and Judiciary' is hereby revised, codified, and enacted into law, and may be cited as 'Title 28, United States Code, section——.'"

LEGISLATIVE CONSTRUCTION

Section 33 of act June 25, 1948, ch. 646, 62 Stat. 991, provided that: "No inference of a legislative construction is to be drawn by reason of the chapter in Title 28, Judiciary and Judicial Procedure, as set out in section 1 of this Act, in which any section is placed, nor by reason of the catchlines used in such title."

SEPARABILITY OF PROVISIONS

Section 34 of act June 25, 1948, ch. 646, 62 Stat. 991, provided that: "If any part of Title 28, Judiciary and Judicial Procedure, as set out in section 1 of this Act, shall be held invalid, the remainder shall not be affected thereby."

EFFECTIVE DATE

Section 38 of act June 25, 1948, ch. 646, 62 Stat. 992, provided that: "The provisions of this Act shall take effect on September 1, 1948."

REPEALS; RIGHTS AND LIABILITIES SAVED

Section 39 of act June 25, 1948, ch. 646, 62 Stat. 992, repealed the sections or parts thereof of the Revised Statutes of the United States, Statutes at Large, or the Revised Statutes of the District of Columbia covering provisions codified in this title, but saved any rights or liabilities then existing under said sections or parts thereof.

R.S. § 1012 as affected by act Mar. 3, 1911, ch. 231, § 291, 36 Stat. 1167 (section 880 of former Title 28, Judicial Code and Judiciary), provided that appeals from district courts shall be subject to the same rules, regulations, and restrictions as are or may be prescribed in law in cases of writs of error. This provision was repealed by act June 25, 1948, ch. 646, § 39, 62 Stat. 992. Section 2 of act Jan. 31, 1928, ch. 14, 45 Stat. 54, as amended Apr. 26, 1928, ch. 440, 45 Stat. 466; June 25, 1948, ch. 646, § 23, 62 Stat. 990 (section 861b of former Title 28, Judicial Code and Judiciary), provided that: "All Acts of Congress referring to writs of error shall be construed as amended to the extent necessary to substitute appeal for writ of error."

WRITS OF ERROR

Act Jan. 31, 1928, ch. 14, § 1, 45 Stat. 54 (section 861a of former Title 28, Judicial Code and Judiciary), provided that: "The writ of error in cases, civil and criminal, is abolished. All relief which heretofore (Jan. 31, 1928) could be obtained by writ of error shall hereafter be obtainable by appeal." This provision was omitted from the 1948 Revised Judicial Code as obsolete, and repealed by act June 25, 1948, ch. 646, § 39, 62 Stat. 992.

TITLE 28 AS CONTINUATION OF EXISTING LAW; CHANGE OF NAME OF CIRCUIT COURTS OF APPEALS

Section 2(b) of act June 25, 1948, ch. 646, 62 Stat. 985, provided that: "The provisions of Title 28, Judiciary and Judicial Procedure, of the United States Code, set out in section 1 of this Act, with respect to the organization of each of the several courts therein provided for and of the Administrative Office of the United States Courts, shall be construed as continuations of existing law, and the tenure of the judges, officers, and employees thereof and of the United States attorneys and marshals and their deputies and assistants, in office on the effective date of this Act (Sept. 1, 1948), shall not be affected by its enactment, but each of them shall continue to serve in the same capacity under the appropriate provisions of title 28, as set out in section 1 of this Act, pursuant to his prior appointment: *Provided*, however, That each circuit court of appeals shall, as in said title 28 set out, hereafter be known as a United States court of appeals. No loss of rights, interruption of jurisdiction, or prejudice to matters pending in any of such courts on the effective date of this Act shall result from its enactment."

CROSS REFERENCES

District of Columbia, organization of courts, see Title 11 of District of Columbia Code.

Territorial courts, see Title 48, Territories and Insular Possessions.

United States Tax Court, see section 7441 et seq. of Title 26, Internal Revenue Code.

PART I—ORGANIZATION OF COURTS

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CHAPTER 1—SUPREME COURT

Sec.
1. Number of justices; quorum.
2. Terms of court.
3. Vacancy in office of Chief Justice; disability.
4. Precedence of associate justices.
5. Salaries of justices.
6. Records of former court of appeals.

CROSS REFERENCES

Allotment of Supreme Court Justices to circuits, see section 42 of this title.

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(d) Any claim for which a remedy is provided by sections 741–752, 781–790 of Title 46, relating to claims or suits in admiralty against the United States.

(e) Any claim arising out of an act or omission of any employee of the Government in administering the provisions of sections 1–31 of Title 50, Appendix. 50 U. S. C., Supp. I, app. § 1 *et seq.*

(f) Any claim for damages caused by the imposition or establishment of a quarantine by the United States.

(g) Any claim arising from injury to vessels, or to the cargo, crew, or passengers of vessels, while passing through the locks of the Panama Canal or while in Canal Zone waters.

(h) Any claim arising out of assault, battery, false imprisonment, false arrest, malicious prosecution, abuse of process, libel, slander, misrepresentation, deceit, or interference with contract rights.

(i) Any claim for damages caused by the fiscal operations of the Treasury or by the regulation of the monetary system.

(j) Any claim arising out of the combatant activities of the military or naval forces, or the Coast Guard, during time of war.

(k) Any claim arising in a foreign country.

(l) Any claim arising from the activities of the Tennessee Valley Authority.

Chief judges.

SEC. 2. (a) The Chief Justices of the United States Court of Appeals for the District of Columbia, the District Court of the United States for the District of Columbia and the Court of Claims, and the presiding judge of the Court of Customs and Patent Appeals, in office on the effective date of this Act, shall be the chief judges of their respective courts.

Ante, p. 869.

(b) The provisions of title 28, Judiciary and Judicial Procedure, of the United States Code, set out in section 1 of this Act, with respect to the organization of each of the several courts therein provided for and of the Administrative Office of the United States Courts, shall be construed as continuations of existing law, and the tenure of the judges, officers, and employees thereof and of the United States attorneys and marshals and their deputies and assistants, in office on the effective date of this Act, shall not be affected by its enactment, but each of them shall continue to serve in the same capacity under the appropriate provisions of title 28, as set out in section 1 of this Act, pursuant to his prior appointment: *Provided, however*, That each circuit court of appeals shall, as in said title 28 set out, hereafter be known as a United States court of appeals. No loss of rights, interruption of jurisdiction, or prejudice to matters pending in any of such courts on the effective date of this Act shall result from its enactment.

Continuance in office of judges, etc.

Salary of Assistant Director of Administrative Office of U. S. Courts.

(c) The sum of $7,500 specified in this Act as the salary which the Assistant Director of the Administrative Office of the United States Courts shall receive, and the sum of $7,500 specified in this Act as the salary which each commissioner whom the Court of Claims may appoint shall receive, shall each respectively be that basic compensation on which shall be computed and paid the additional basic compensation mentioned in section 521 of the Act of June 30, 1945 (ch. 212, 59 Stat. 301), as amended by the Act of May 24, 1946 (ch. 270, sec. 6, 60 Stat. 217).

5 U. S. C. §§ 934, 938.

(d) Anything in this Act to the contrary notwithstanding, the provisions of section 14 of the Act of July 1, 1944 (ch. 358, 58 Stat. 662), are not hereby repealed.

41 U. S. C. § 114.

Attorneys under authority of Department of Justice.

SEC. 3. Section 366 of the Revised Statutes (5 U. S. C., section 315), as amended, is amended to read as follows:

"SEC. 366. Every attorney specially retained under authority of

A14

who shall be superintendent of the United States Supreme Court Building.".

SEC. 28. Section 26 of the Act approved June 22, 1936 (chapter 699, section 26, 49 Stat. 1813), as amended by the Act approved August 5, 1939 (chapter 430, 53 Stat. 1203; U. S. C., 48 U. S. C., section 1405y) is amended by adding to the first paragraph thereof, the following:

Virgin Islands. Appointment of district attorney.

"In the case of a vacancy in the office of district attorney, the District Court of the Virgin Islands may appoint a district attorney to serve until the vacancy is filled. The order of appointment by the court shall be filed with the clerk of court".

Indians, Oklahoma. Suits involving cooperative associations.

SEC. 29. Section 5 of the Act approved June 26, 1936 (chapter 831, 49 Stat. 1968; 25 U. S. C., section 505) is amended by striking out the third, fourth, and fifth sentences thereof, and substituting in lieu of such sentences the following sentence: "Within thirty days after such service or within such extended time as the trial court may permit, the Secretary of the Interior may intervene in such action or may remove such action to the United States district court."

SEC. 30. Section 3 of the Act approved May 24, 1940 (chapter 209, 54 Stat. 220; 28 U. S. C., 1940 edition, section 5a) is amended to read as follows:

Judge of District Court of Virgin Islands.

"SEC. 3. The salary of the judge of the District Court of the Virgin Islands of the United States shall be at the rate of $15,000 per year.".

SEC. 31. Section 42 of Title 7 of the Canal Zone Code (48 U. S. C., section 1353) is amended by inserting at the end thereof a new subsection to read as follows:

Canal Zone. District attorney and marshal.

"e. In case of a vacancy in the office of district attorney or marshal the district court may appoint a person to exercise the duties of the vacant office until such vacancy is filled. The order of appointment by the court shall be filed with the clerk of court."

Definitions.

SEC. 32. As used in any statute of the United States:

"Circuit court of appeals" means a "United States court of appeals";

"Senior circuit judge" means "chief judge of a judicial circuit";

"Senior district judge" means "chief judge of a United States district court";

"Chief Justice" means "chief judge" except when reference to the Chief Justice of the United States is intended;

"Justice" means "judge" except when used with respect to a justice of the Supreme Court of the United States in his capacity as such or as circuit justice;

"Presiding judge" means "chief judge."

SEC. 33. No inference of a legislative construction is to be drawn by reason of the chapter in Title 28, Judiciary and Judicial Procedure, as set out in section 1 of this Act, in which any any section is placed, nor by reason of the catchlines used in such title.

Ante, p. 869.

Separability of provisions.

SEC. 34. If any part of Title 28, Judiciary and Judicial Procedure, as set out in section 1 of this Act, shall be held invalid, the remainder shall not be affected thereby.

Repeals.

SEC. 35. Sections 61 and 62 of Title 7 of the Canal Zone Code are hereby repealed.

62 Stat. 101. 26 U. S. C. § 1141 (a).

SEC. 36. Section 1141 (a) of the Internal Revenue Code is hereby amended to read as follows:

Review of decisions of Tax Court.

"The circuit courts of appeals and the United States Court of Appeals for the District of Columbia shall have exclusive jurisdiction to review the decisions of the Tax Court, except as provided in section 1254 of title 28 of the United States Code, in the same manner and to the same extent as decisions of the district courts in civil actions tried without a jury; and the judgment of any such court shall be final, except that it shall be subject to review by the Supreme Court of the United States upon certiorari, in the manner provided in section

Ante, p. 933.

A 15

Ante, p. 928.

41 U. S. C. § 198 note.

1254 of title 28 of the United States Code."

Sec. 37. Section 6 of the Act approved August 7, 1946 (ch. 864, 60 Stat. 903), is amended to read as follows:

Settlement of claims by war contract losses.

"Sec. 6. Whenever any claimant under this Act is dissatisfied with the action of a department or agency of the Government in either granting or denying his claim, such claimant shall have the right within six months to file a petition with the Court of Claims or, if the claim does not exceed $10,000 in amount or suit has heretofore been brought or is brought within thirty days after the enactment of this amendatory act, with any Federal district court of competent jurisdiction, asking a determination by the court of the equities involved in such claim; and upon the filing of such a petition, the court, sitting as a court of equity, shall have jurisdiction to determine the amount, if any, to which such claimant and petitioner may be equitably entitled (not exceeding the amount which might have been allowed by the department or agency concerned under the terms of this Act) and to enter an order directing such department or agency to settle the claim in accordance wth the finding of the court; and thereafter either party may appeal from the decision if it was rendered by a district court or petition the Supreme Court for a writ of certiorari if it was rendered by the Court of Claims, as in other cases. Any case heretofore brought in a district court under this section may, at the election of the petitioner to be exercised within thirty days after the enactment of this amendatory Act, be transferred to the Court of Claims for original disposition in that court."

Effective date.

Sec. 38. The provisions of this Act shall take effect on September 1, 1948.

Repeals.

Sec. 39. The sections or parts thereof of the Revised Statutes of the District of Columbia, Revised Statutes of the United States or Statutes at Large enumerated in the following schedule are hereby repealed. Any rights or liabilities now existing under such sections or parts thereof shall not be affected by this repeal.

SCHEDULE OF LAWS REPEALED

Revised Statutes, D. C.	Volume	Page	D. C. Code	
			Title	Section
Section: 722	18, pt. II	99	11	21-302

Revised Statutes	U. S. Code		Revised Statutes	U. S. Code	
	Title	Section		Title	Section
Sections:			Sections:		
342	8	317	728	28	455
343	8	313	729	28	456
366	8	316	727	28	457
372	8	323	726	28	458
374	8	324	730	28	459
377	8	327	729	28	460
379	8	329	731	28	461
380	8	330	732	28	462
381	8	331	733	28	463
645	22	770	734	28	464
646	22	772	737	28	465
649	22	773	735	28	466
650	22	850	771	28	467
720	22	876	772	28	468
721	22	772	773	28	469
724	22	439	774	28	470
726	22	782	775	28	471
727	22	441	776	28	472
728	22	443	777	28	473
729	22	443	778	28	474
730	22	444	779	28	475
731	22	445	780	28	476
732	22	446	781	28	477
733	22	447	782	28	478
734	22	448	783	28	479
			785	28	480, 481

p 16

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IN THE SUPREME COURT OF THE

UNITED STATES

WILLIAM E. CONRAD,
APPELLANT
VS.
JOHN GARRETT PENN, ET AL
APPELLEE

No. 79-6719

ADDENDUM

Correction to caption on cover page: Petition for direct appeal to the United States Supreme Court to review the Jurisdiction of the District Court, Controversy of a Federal Question and Constitutionality of an Act of Congress.

To Page 3 of Jurisdictional Statement.

To Page 7, 8 of Brief, Jurisdiction.

Citing from Abell v United States, 518 F.2d. 1369 (1975)

"But errors do occur in codification and where there is a conflict between the codification and Statute at Large, the Statutes at Large must prevail." (P. 1376) American Export Lines, Inc. v United States, 290 F.2d. 925, 929, 153 Ct. Cl. 201, 207, (1961)

If T-28 U.S.C. 1252 is in conflict with Act of March 3, 1891 C.517 #5 Stat. 827, 828, the Statute prevails over codification of T-28 U.S.C. 1252. It it is held T-28-U.S.C. 1252 is codification into Positive Law then:

"It has been held that even codification into positive law will not give the code preference where there is a conflict between the codification and the Statute at Large (P. 1376) United States v Welden, 377 U.S. 95, 84 S.Ct. 1082, 12 L.ed. 2d. 152 (1964) (N.4)

Act of March 3, 1891 C 517 #5 Stat. 827,828 is a special statute creating circuits of appeals and seperating Constitutional Vested Right of direct appeal to the Supreme Court from the statutory jurisdiction limiting the appeals to the Supreme Court and all other appeals to be filed in the newly created circuits of appeals courts.

"Special statutes will prevail over general statutes without regard to priority of enactment." (P. 1378) cases cited; General Dynamics Corp. v United States, 324 F.2d. 971, 163 Ct. Cl. 219 (1963), Bulova Watch Co. v United States, 365 U.S. 753, 758, 81 S.Ct. 864, 6 L.ed. 2d. 72 (1961) Flourco Glass Co. v. Transnirra Products Corp. (Supra)

If it is held the two acts are upon the same subject then;

"Where there are two acts upon the same subject, the rule is to give effect to both if possible .... . The intention of the legislature to repeal must be clear and manifest." (P. 1378) United States v Borden Co. 308 U.S. 188, 198, 60 S.Ct. 182, 188, 84 L.ed. 181 (1939)

"It is a Principle Rule that the Court will not anticipate nor rule on any question not presented to it." Price v Johnson, 334 U.S. 266, 68 S.Ct. 1049.

"Appellate Courts cannot make factual determination which may be decisive of vital rights where the crucial facts have not been developed." (Id), Kennedy v Silas Mason Co. 334 U.S. 249, 68 S.Ct. 1031

I demand the Supreme Court of the United States to bring forth Case No. 79-6719 in the 1979 term. Under Act of August 24, 1937, (A.7) "Appeals under this section shall be heard in the Supreme Court of the United States at the earliest possible time and shall take preference over all other matters not of like character. This section shall not be contrued to be in derogation of any right of direct appeal to the Supreme Court of the United States under existing provisions of law." Under Act of March 3, 1891, #7 (A.8) "and it shall take precedence in the appellate court;" this direct appeal is a constitutionally protected vested Right under section 39, Act of June 25, 1948 (A.13) and is to be mandatorily expedited.

William E. Conrad

William E. Conrad
2856 Dividend Park Dr.
Florissant, MO. 63031
June 11, 1980 Pro-se

Copy mailed to: John Garrett Penn, 13823 N. Gate Lane, Silver Spring, MD.
Solicitor General, Dept. of Justice Washington, DC.

IN THE SUPREME COURT OF THE

UNITED STATES

William E. Conrad Appellant vs. John Garrett Penn, et al Appellee	No. 79-6719

ADDENDUM NO.2

This is the chronological saga of Act of March 3,1891 ch.517 #5, #6, 26 Stat. 827,828 and ensuing revisions and amendments.

Act of March 3, 1891 ch.517 #5, #6, 26 Stat.827,828.

Act of January 20,1897 ch.68 29 Stat.492. Revised Act of March 3,1891 amending statute by deleting the phrase "or otherwise infamous", preserved only "in cases of conviction of a capitol crime."

(See Stephan v. United States, 319 U.S. 423, 63 S.Ct. 1135)

Act of March 3, 1911 ch.231 36 Stat. 1086,1157,1167,1169, omitted "or otherwise infamous"; omitted "from the final sentences and decrees in prise cases." and transfered to added section 250 2nd p.1159, (Prise cases) added "including the United States district court for Hawaii." Codified as sections 128 and 238.

Section 294: "The provisions of this Act, so far as they are substantially the same as the existing statutes, shall be construed as continuations thereof, and not as new enactments, and there shall be no implication of a change of intent by reason of a change of words in such statute, unless such change of intent shall be clearly manifest."

Section 297: "Also all other Acts and Parts of Acts in so far as they are embraced within and superseded by this Act, are hereby repealed; the remaining portions thereof to be and remain in force with the same effect and to the same extent as if this Act had not been passed."

Note: These two sections clearly mandate that Act of March 3, 1891 must be clearly and expressly and positivly singled out to be repealed by an act of Congress.

Act of January 28, 1915 ch. 22 38 Stat. 803,804. Section 238 amended and added "and the United States district court for Porto Rico," (P.804 note refers to vol.36, p.1157 amended.)

Act of February 13,1925 ch.229 43 Stat. 936, Section 128 refered to Section 238 of the "Judicial Code as now existing be." An existing act would have to be passed by congress and signed into law, that would be Act of January 28, 1915, amending but not repealing Act of March 3, 1911, nor Act of March 3, 1891. (P. 936,938 note refers to vol.38 p.803,804)

NOTE: Section 238 omitted direct appeal under Act of March 3,1911 and Act of March 3, 1891. The omission, or error was not expressly nor clearly intended as repeal and no construction could indicate otherwise.(P.936 "are severally, amended and reenacted to read as-")

P. 941 Section 13 That the following statutes and parts of statutes be, and they are repealed: Sections 130,131,133,134,181,182,236,241,242, 243,244,245,246,247,248,249,250,251, and 252 of the Judicial Code. (Section 128 and 238 of Judicial Code not repealed. Supra.)

But: Section 2,4, and 5 of "An Act to Amend an Act entitled "An Act to codify,revise, and amend the laws relating to the judiciary," approved March 3, 1911," approved January 28,1915. (P. 936,938 note refers to vol. 38 pp.803,804; as P.941) This section only repealed Actoof January 28,1915. Section 128 became 225, 238 became 345.

The error or omission did not repeal Act of March 3, 1911 and Act of March 3, 1891, these statutes are still in effect.

Act of June 25, 1948 ch.646 62 Stat. 985.

Section 2a --"shall be construed as continuation of existing law,-".

P.994 Act of March 3, 1891 #5,#6, are not repealed.

P.996 Act of March 3, 1911, p.p. 1143-1157,1164-1169 repealed.

P. 997 Act of January 28,1915 p.803 repealed

P. 1000 Act of February 13, 1925 p.p. 936-941 repealed.

P.992 Section 39: The sections or parts thereof of the revised statutes of the District of Columbia, Revised Statutes of the United States or Statutes at Large enumerated in the following schedule are hereby repealed. Any Rights or liabilities now existing under such section or parts thereof are not affected by this repeal. The Right of Direct Appeal to the Supreme Court under Act of March 3, 1891 ch.517 #5,#6 26 stat. 827 828 is saved and preserved.

See United States v. Welden 377 US 95, 84 S.Ct.1082, 12 L.ed 152,153,157 Statutes #140-Construction-codification-change of arrangement. (4.)

Actually Sections 1,3,4,5,6,7,8,12,13,14, 15,
of Act of March 3, 1891 have never been repealed.
It does not matter if the error or omission was deliberate, avoidable or unavoidable, nor does it matter of the intent of the 68th Congress. The undisputable facts are inexcapable that sections 125 and 238 were intended to be amended and not repealed.
The United States Constitution specifically states An Act must pass the House of Representatives, the Senate and be signed into law by the President of the United States. Act of March 3, 1891 Ch.517 #5,#6 26 Stat.827,828 has never been proposed for repeal, nor has the President signed an Act effecting repeal, or vetoed an Act, wherein two-thirds Constitutional Rule for Congress would come into effect.

Because of my imposed poverty, I am unable to provide photo-static copies of the cases cited, the statutes at large, the codification of statutes as proof of the contentions herein provided, which would number in the hundred or more copies, and the expense of the mailing the documents by First Class mail or Air mail, therefore I am relying upon; A judge must not take moral sides; he must give principled judgment according to the Law, no matter how personally distasteful or politically unpopular and to the settled ways of applying the tools of his trade, the statutes and case law. His only loyalty is to the Constitution and to the Oath of Office.

I demand a certified copy of Addendum No.1 and No.2, date of reciept thereof and file date entry upon docket of United States Supreme Court in cause No. 79-6719.

William E. Conrad

William E. Conrad
2856 Dividend Park Dr.
Florissant, Mo. 63031
June 16, 1980

RECEIVED
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IN THE SUPREME COURT OF THE

UNITED STATES

WILLIAM E. CONRAD
APPELLANT
vs. No. 79-6719
JOHN GARRETT PENN, ET AL.
APPELLEE

ADDENDUM No. 3

If this Court construes H.R. 5193 68th Congress 2nd Session Report No. 1075 preface to accompany H.R. 8206 as amendment by implication or repeal by implication, this court has held in U.S. vs. Welden,, 377 U.S.95, 84 S.Ct. 1082, 12 L.ed. 152, 159 (N.12 Headnote 7, 8) "Amendments by implication, like repeals by implication, are not favored." (Text and citing cases) It also is a Judicial first that an accompanying Forward Report proposing a submitting Bill amended the United States Constitution and attained the status of Statute at Large without being proposed and passed by House of Representatives, passed by the United States Senate, without being signed into law by the President, repealed the Constitution and repealed the Bill of Rights. To show the preposterous situation this Court is maintaining: If the Act of March 3, 1911 Ch.231 36 Stat 1086 repealed Act of March 3, 1891 Ch. 517 26 Stat 826, then why on P. 1169 Section 297 is the #7th Section of March 3, 1891 singled out for repeal exclusively?

(Note: Addendum 1, P. 2, under Act of March 3, 1891 #7, (A8) "and it shall take precedence in the appellate court:" is void by repeal.(Supra)

(Note: P.11 of Brief, the district courts docket and record does not support the judges presumption. Add (A.3)

Citing Mr. Justice Van Devanter in the hearing;
"These mistakes are generally attributable to the fact that the practitioner has found a part of the statutes and not the rest. Sometimes the mistake is mere carelessness; but bot infreguently happens that lawyers who stand high in their profession at home mistake their remedy or mode of invoking it either because they do not find the controlling statute or because they have difficulty in reconciling it with others."

For 55 years the Supreme Court has been erroneously applying a Congressional report, as a repealing statute, a constitutional Amendment, and a law of the United States of America.

I demand an immediate hearing on my contentions in the 1979 term.

William E. Conrad
June 20, 1980

Copy mailed to; John Garrett Penn, 13823 N.Gate Lane, Silver Spring, MD.
Solicitor General, Dept. of Justice Washington, DC.

file room

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IN THE SUPREME COURT OF

THE UNITED STATES

WILLIAM E. CONRAD,

APPELLANT

VS

JOHN GARRETT PENN,

APPELLEE

NO. 79-6719

ADDENDUM 4

I demand the Supreme Court of the United States to publicly announce in its decision of Case No. 79-6719:

1. How many, and the names of the judges who determine if Case No. 79-6719 is obligatory, judges who determine if case is discretionary?

2. What judges voted to accept jurisdiction, and what judges voted to decline jurisdiction?

3. What statutes are applied in the courts determination?

4. What volume of the United States Code that shows Act of March 3, 1891 Ch.. 517 #5, #6, 26 Stat. 827, 828 is repealed?

   A. What volume of Statute at Large?

   B.. What volume United States Code annotated?

   C. What volume Sheppards citations?

   D. What Public Law, and what volume?

5. What Constitutional exercise of Judicial Power?

6. I have a Constitutional Right to know why the Courts of the United States will not apply the Constitution and mandatory Statutes that obligate the Courts to apply the Law impartially.

William E. Conrad

William E. Conrad
2856 Dividend Park Dr.
Florissant, Mo. 63031

June 25, 1980

Copy mailed to: John Garrett Penn, 13823 N.Gate Lane, Silver Spring, MD.
Solicitor General, Dept. of Justice, Washington, D.C.

file room

IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM 1979

No. 79-6719

MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

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SUPREME COURT, U.S.

Appellant William E. Conrad moves the Court for an order permitting him to proceed in this Court, in Forma Pauperis, with his appeal, writ of error, from the order entered without jurisdiction of the United States District Court for the District of Columbia entered in this cause on May 1, 1980, pursuant to the provisions of Act of March 3, 1891 Ch. 517 #5 26 Stat. 827,828 and Rule 53 of the Rules of this Court and in support of attaches the affidavit of said appellant.

William E. Conrad

William E. Conrad
2856 Dividend Park Dr.
Florissant, MO. 63031

June 16, 1980

Copies of Addendum No.2 mailed to:
Copies of Motion and affidavit mailed to:
John Garrett Penn, 13825 N. Gate Lane, Silver Spring, MD.
Solicitor General, Dept. of Justice, Washington, D.C.

IN THE SUPREME COURT OF THE UNITED STATES

AFFIDAVIT OF WILLIAM E. CONRAD

William E. Conrad, being duly sworn, deposes and says:

I. I am a citizen of the United States and plaintiff in the action.

2. I desire to prosecute an appeal from the Order entered without jurisdiction of the United States District Court for the District of Columbia as a writ of error entered in this cause on May 1, 1980, pursuant to T 28 U.S.C. 1915 and Act of March 3, 1891 Ch. 517 #5 26 Stat. 827,828. Because of my imposed poverty I am unable to pay the costs of such appeal or give security therefor and still be able to provide myself and my dependents with the nesessities of life. Because the federal courts refusal to accept my petitions, imposing disenfranchisment of Constitutional Rights and Judicial Attainder.

3. I am unable to obtain a certified copy of the record in the court below without payment of fees and costs.

4. I am entitled to the redress I seek by such appeal, writ of error, and such appeal presents substantial federal and constitutional questions.

Wherefore, affiant prays that he may have leave to proceed in this court on appeal in forma pauperis.

William E Conrad

William E. Conrad
2856 Dividend Park Dr.
Florissant, MO. 63031

Subscribed and sworn to before me this 16 day of June, 1980.

Bonita Monahan
Notary Public

My Commission expires May 4, 1982 County of St Louis Missourd.

SUPREME COURT OF THE
UNITED STATES

_____ Term _____

No. _____

WILLIAM E. CONRAD

v. Civil Action No. 80-1087

JOHN GARRETT PENN, et al.

APPEAL FROM THE UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF COLUMBIA

INDEX

1. COMPLAINT.

2. SUMMONS and returns

3. ORDER dismissing action with prejudice

4. NOTICE of appeal to the Supreme Court

5. BILL of exceptions

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF COLUMBIA

WILLIAM E. CONRAD
2856 DIVIDEND PARK DR.
FLORISSANT, MO. 63031

PRO-SE PLAINTIFF

vs.

JOHN GARRETT PENN
13823 NORTH GATE LANE
SILVER SPRING, MD. 20906

DEFENDENT

vs.

UNITED STATES OF AMERICA

DEFENDENT

80- 1087

FILED

MAY 1 1980

JAMES F. DAVEY, Clerk

ROBINSON, J.

F.

The Plaintiff lives more than 100 miles from United States District Court for the District of Columbia. Plaintiff requires immediate notification of attendence by mail of all hearing dates and court trial dates.

William E. Conrad

William E. Conrad
2856 Dividend Park Dr.
Florissant, Mo. 63031

Date: April 22, 1980

1

This is an action, of a federal question, arising under the United States Constitution, Article 1 Section 1, 7, 8 Cl. 14, 18, Section 9 Cl. 3, and the Laws of the United States, U.S.C. T-18-242, U.S.C. T-28-1654, 2071, 2072, United States Constitution Amendments 1,5,7,9,10.

This court is vested with jurisdiction pursuant to; United States Constitution Amendments 1, 5, 7, 9, 10, U.S.C. T-18-242, U.S.C. T-28-1331, 1332, 1391, 1654.

In the alternative; there is a diversity of citizenship between plaintiff and defendants.

The Acts and omissions complained of herein occurred within this judicial district, speciffically in the United States District Court for the District of Columbia, City of Washington, which is within the District of Columbia.

Plaintiff presently resides 2856 Dividend Park Dr. Florissant, Missouri within the judicial district of the Eastern District of Missouri.

Defendant United States of America operates and controls the Judicial Division under Constitutional grant of judicial power.

The Plaintiff has the inalienable Constitutional Right of Access to the courts of the United States, the Right of protection of the laws, the Right of Due Process of law, the Constitutional and Statutory Right to petition the government, the Constitutional Right and Statutory Right to represent himself to prosecute or defend in any court of the United States, the Right to a fair and impartial tribunal, the right of indictment, trial by jury and adjudication before imposition of punishment, the Right of a Civil Trial, the right to be equal before the law. Plaintiff demands Jury Trial.

It is the Duty of the United States and Constitutional Courts and Constitutional Judicial Judges to uphold the Constitution of the United States as the organic instrument that is the Supreme Law of the Land, to enforce its Equal protection on it's Citizens and Equal Rights, Privileges and Immunities in all submitted Cases and Controversies without exception.

Jurisdiction is conferred on this court where an officer of the United States never acquired Constitutional Judicial Power and exceeding the limitation of conferring power to act for the United States. The Act of the defendants is not the Act of the United States Government. U.S.C. T 28 2071, 2072 prohibits Federal Rules of Civil Procedure to be applied to exceed Constitutional or Statutory provisions and vested rights of the parties. The rules are Bills of Attainder.

Petition mailed November 26, 1979, received by th Office of the Clerk of the District Court for the District of Columbia December 3, 1979, Petition dismissed December 11, 1979, Petition filed, docketed December 14,1979. Petition and Summons not delivered to United States Attorney, Attorney General of the United States, nor to the Defendants. Federal Rules of Civil Procedure Rule 3,4, require mandatory compliance, before District Court or Judge of the court acquires jurisdiction over the Subject Matter, Over the Parties and Jurisdiction to render a decision, December 7,1979 filing fee deposited but not entered into record.

Plaintiff has statutory right to file petition Pro-Se and United States Constitution Right of access to the courts of the United States, to prosecute or defend common law rights, constitutional Rights, Privileges and Immunities, and invasion of a recognized legal right or remedies. The Federal Rules of Civil Procedure require but a plain and short statement, to receive a speedy and inexpensive trial. Any exercise of extra judicial adjudication of the federal rules of civil procedure and application or omission thereof, under statute is null and void. The federal rules abolished Code Pleading, or Pleading Forms of Action, commonly known as cause of action. It is the duty of the court and judge to receive the complaint, administer service and process, hold a hearing and adjudicate the sufficency of the complaint under the Laws of the United States, and permit an amendable petition. Judge John Garrett Penn dismissed petition and had no intention to file petition and summons and filing fee upon receipt, had no intenton of serving petition and summons upon United States Attorney, Attorney General of the United States or upon the defendants, and as a fact did not. Judge J.G.Penn breached his duty then issued Order of Dismissal. The Judge, and the Court, never acquired jurisdiction over the subject matter, over the parties, or to render a decision.

Petitioner never received Notice that dismissal of petiton was eminent. Rule 55 mandates a Notice of three (3) days before petiton be dismissed thereby allowing petitioner to amend petition to achieve jurisdiction. U.S.C. T 18 242 applies to judges for willful deprivation of Constitutional Rights. The United States, the Constitutional Courts, the Constitutional Judges cannot disenfranchise a citizen of Constitutional Rights Privileges and Immunities.

Judge John Garrett Penn did not:

1. Record filing fee reciept
2. Serve petition and summons on U.S. Marshals office
3. Serve petition and summons on United States Attorney
4. Serve petition and summons on Attorney General of the United States
5. Serve petition and summons on Defendants
6. Give three (3) day notice upon Plaintiff before dismissal
7. Give Plaintiff opportunity to amend petition
8. File petition and summons into record before Order of Dismissal
9. Acquire jurisdiction over the subject matter
10. Acquire jurisdiction over the parties
11. Acquire jurisdiction to render a judgment
12. Act with Constitutional Judicial Power
13. Uphold Constitutional Provisions

This petitioner claims: United States Statutes U.S.C. T 28 2071, 2072, Act of Congress June 19,1934 ch.651 48 Stat.1064, effective September 16, 1938, The Federal Rules of Civil Procedure are Unconstitutional as the rules have no binding effect on the judges and a Constitutional Court cannot render judgments that are not binding upon the parties, or where the judgment is subject to administrative review.

The federal court rules can be suspended, altered or be declared null and void by administrative review of another division of the United States Government, namely the Legislative Department.

This petition and claim is within the statute of limitations, or in the alternative statute of limitation is tolled during period in which plaintiff is illegally prevented from taking action to protect his Rights, and a reasonable opportunity to discovery of the essential elements of a possible cause of action.

Civil liability predicated upon federal statutes compels such inference whenever such liability is expressly provided for. Courts have the power not to await criminal trials which may never materialize in order to vindicate crucial Constitutional Rights.

The plaintiff was denied access to the courts of the United States to prosecute an invasion of a federal protected right, was denied the right of jury trial, was denied trial, presentment of evidence, the statutory right to representation as Pro-se petitioner, the right to a speedy and inexpensive trial on presentation of a short and plain statement to the court, by denial of due process of law and disenfranchisement as a citizen of the United States of all Constitutional Rights, Privileges and Immunites. The plaintiff is under judicial attainder, deprived of protection of all the laws and benifits enjoyed by citizens of the United States. United States Constitutional Court judges are statutorily accountable for willfull deprivation of Constitutional Rights.

A mans good name, honor are a protected right as a property right by the United States Constitution. Judge John Garrett Penn is accountable for personal liability, for injury, for personal injury claims and the pain and suffering endured by the plaintiff: for intentional infliction of emotional distress thru loss of earnings of the plaintiff, and loss of companionship, society and consortum thru the inflicted poverty, because of the disenfranchisement of this citizen imposed by Judge John Garrett Penn, The plaintiff is unable to secure the Blessings of Liberty, to ourselves and our Prosperity. The loss of citizenship deprives William E. Conrad the function of a citizen to gainful employment, imposes social stigma and perpetual poverty. William E. Conrad is subject to different punishments, pains and penalities than are prescribed for the punishment of citizens of the United States. The matter in controversy exceeds, exclusive of interest and costs, the sum of ten thousand dollars.

Wherefore, Plaintiff William E. Conrad demands judgment as set forth in complaint and demands DAMAGE. Also, demands damages; actual damages; compensatory damages; consequential damages; direct damages; punitive damages; general damages; irreparable damages; necessary damages; pecuniary damages; prospective damages; statutory damages; substantial damages in the amount of $Twentyone Million Dollars.

United States of America $20.000.000.00
John Garrett Penn $ 1.000.000.00

DATE	NR.	PROCEEDINGS
1979 Dec.	3	COMPLAINT; jury demand.
Dec.	13	ORDER filed 12-11-79 dismissing complaint. (N) Penn, J.
1980 Jan.	7	NOTICE of appeal by pltf. to the Supreme Court from order of 12-13-79.

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

WILLIAM E. CONRAD,	:	
Plaintiff	:	
v.	:	CIVIL ACTION NO. 80-1087
JOHN GARRETT PENN, ET AL.,	:	
Defendants	:	

FILED

MAY 1 1980

JAMES F. DAVEY, CLERK

ORDER

Upon consideration of the fact that judges are immune from civil liability while performing their judicial duties, Stump v. Sparkman, 98 S.Ct. 1099 (1978); it is by the Court this 1st day of May, 1980,

ORDERED that this action is dismissed with prejudice for failure to state a claim upon which relief can be granted.

Aubrey E. Robinson, Jr.
United States District Judge

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IN THE UNITED STATES DISTRICT COURT FOR

THE DISTRICT OF COLUMBIA

FILED

MAY 16 1980

JAMES F. DAVEY, Clerk

WILLIAM E. CONRAD,

PLAINTIFF

VS.

JOHN GARRETT PENN, ET AL.,

DEFENDANTS

Civil Action No. 80-1087

NOTICE OF APPEAL TO THE SUPREME COURT OF THE UNITED STATES

Notice is hereby given that William E. Conrad the Plaintiff named, hereby Appeals to the Supreme Court of the United States from the Final Order dismissing the Complaint "Upon consideration of the fact that judges are immune from civil liability while performing their judicial duties, Stump v Sparkman, 98 S.Ct. 1099 (1978); it is by the Court this 1st day of May, 1980.

ORDERED that this action is dismissed with prejudice for failure to state a claim upon which relief can be granted."

Aubrey E. Robinson, Jr.
United States District Judge

entered in this action on May 1, 1980.

This appeal is taken pursuant to Statute at Large of March 3, 1891 C. 517 #5 26 Stat 827, Act of August 24, 1937 C. 754 2, 5, Stat. 752, 755, 28 U.S.C. T-28-1252.

William E. Conrad
2856 Dividend Park Dr.
Florissant, Mo. 63031

I have this day May 13, 1980 mailed copy of the within Notice of Appeal to each defendant at the address stated.

John Garrett Penn
13823 North Gate Lane
Silver Spring, Md. 20906

United States of America
Solicitor General
Department of Justice
Washington, D. C. 20530

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IN THE UNITED STATES DISTRICT COURT FOR

THE DISTRICT OF COLUMBIA

William E. Conrad
vs
John Garrett Penn, et al

CA-80-1087

FILED

MAY 16 1980

JAMES F. DAVEY, Clerk

BILL OF EXCEPTIONS

Notice is hereby given that William E. Conrad the Plaintiff named, files a bill of exceptions from the unauthorized Final, Order dismissing the Complaint in Civil Action No. 80-1087 entered on this action on May 1, 1980.

(1) Judge Aubrey E. Robinson, Jr. is acting in clear absence of all Jurisdiction.

(a) U.S.C. Title 28-1391 mandates Rule 3,4, of the Federal Rules of Civil Procedure be followed, that complaint and summons be issued upon officers of the United States before the Court or the Judge acquires jurisdiction over the parties, subject matter or to render a decision. (Messinger v. United States, 231 F.2d 328)

(b) When the Complaint has diversity of citizenship, jurisdiction is not acquired until complaint and summons is delivered to the defendants and Marshal's return is filed and entered on the docket; only then does the Court or Judge acquire jurisdiction over the parties, subject matter or to render a decision.

(Gorman v. Transcon Air Lines 158 F. Supp. 339)

(c) Judge Robinson has acted in contravention to USC. T. 28-1391; and U.S.C. T 28- 2072 mandates all actions and decisions void that exceed the staturory requirements, and prohibitions, including the Rules cannot abrogate the Right of Civil Trial, Amendment 7.

(D) The citation Stump v. Sparkman, 98 S. Ct. 1099 (1978) is taken out of Context of the decision entered: "--the necessary inquiry in determing whether a judge of such court is immune from suit is whether at the time he took the challanged action he had jurisdiction over the subject matter before him.--But will be subject to liability only when he has acted in clear absence of all jurisdiction."

(e) Judge Robinson has rendered a decision on the merits without supporting evidence and has refused to hear testimony and presentment of evidence by the Plaintiff.

Wm C Conrad
May 13, 1980